

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

JOSHUA M. SMITH,)
Plaintiff,)))
v.) Case No.: 19-CV-00034-SGC
BMW FINANCIAL SERVICES, N.A., LLC,)))
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held via telephone and was attended by:

Whitney Seals on behalf of Plaintiff.

Christopher Bottcher and T. Dylan Reeves on behalf of defendant BMW Financial Services, N.A. LLC.

- 2. Pre-Discovery Disclosures. The parties will exchange the information required by Local Rule 26.1(a)(1) by April 8, 2019.
- 3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- (a) The status of Plaintiff's Account.
- (b) The repossession of Plaintiff's vehicle.

- (c) The condition of Plaintiff's vehicle before and after the repossession.
- (d) Defendants' storage/care for the vehicle.

All discovery commenced in time to be completed by December 9, 2019.

Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 40 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 40 requests for production by each party to any other party. Responses due 30 days after service.

Maximum of 5 depositions by plaintiff and 5 by defendant(s).

Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by October 2, 2019;

from Defendant(s) by November 6, 2019.

Supplementations under Rule 26(e) due:

from Plaintiff by October 16, 2019;

from Defendant(s) by November 20, 2019.

4. The parties agree that, in the event of an inadvertent disclosure of materials that are subject to a privilege, constitute work product, or are trial preparation materials, they will comply with the provisions of Federal Rule of Civil Procedure 26(b)(5)(B). Upon notice from the party that inadvertently disclosed the

materials, each receiving party shall return the specified information and any copies it has, will not use or disclose the information until the claim is resolved, and will take reasonable steps to retrieve the information from any party, person, or entity to whom or which the receiving party may have disclosed it before receiving notice of the inadvertent disclosure. If any receiving party disputes whether the materials are subject to a privilege, constitute work product, or are trial preparation materials, it can present them to the Court under seal for a determination, but shall return all other copies of the inadvertently disclosed materials until the Court makes its ruling. The producing party must preserve the materials until the Court makes its ruling.

5. Other Items

The parties <u>do not request</u> a conference with the court before entry of the scheduling order.

Plaintiff(s) should be allowed until June 15, 2019 to join additional parties and until June 15, 2019 to amend the pleadings.

Defendant(s) should be allowed until June 22, 2019 to join additional parties and until June 22, 2019 to amend the pleadings.

All potentially dispositive motions should be filed by January 10, 2020.

The parties would like to pursue early settlement efforts before commencing discovery. If those efforts are not successful, settlement cannot be realistically

evaluated prior to November 4, 2019, and may be enhanced by use of the following alternative dispute resolution procedure: mediation.

The parties request a final pretrial conference in April 2020.

Final lists of trial evidence under Rule 26(a)(3) should be due:

from plaintiff(s): witnesses by April 14, 2020; exhibits by April 14,

2020;

2020.

from defendant(s): witnesses by April 14, 2020; exhibits by April 14,

Parties should have 14 days after service of final lists of trial evidence to make objections under Rule 26(a)(3).

The case should be ready for trial by May 4, 2020 and at this time is expected to take approximately 2-4 days.

Date: March 28, 2019.

s/ Christopher A. Bottcher

Christopher A. Bottcher T. Dylan Reeves Attorneys For BMW Financial Services, N.A., LLC

OF COUNSEL:

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s/W. Whitney Seals

W. Whitney Seals
Attorney For Joshua M. Smith

OF COUNSEL:

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s/John C. Hubbard

John C. Hubbard Attorney For Joshua M. Smith

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